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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,383	09/06/2005	Yves Gagnet	MCA-642 US	6038

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MILLIPORE CORPORATION
290 CONCORD ROAD
BILLERICA, MA 01821

EXAMINER

LITHGOW, THOMAS M

ART UNIT	PAPER NUMBER
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1797

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02/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,383	Applicant(s) GAINET ET AL.	
	Examiner Thomas M. Lithgow	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11-21 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 22-28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06 sept 2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-11, 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, line 5, “the heel-piece” lacks antecedent basis. See also claim 7, line 4-5, Claim 9, line 4-5, Claim 10, line 5, and claim 11, lines 4-5 for a similar deficit. Claim 8, lines 2-3, “each support arm” lacks antecedent basis. Also, claim 10, line 8, “the corresponding dihedron” lacks antecedent basis. Claims 13 and 19 appear to be the same claim.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 8-9, and 11-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (USPGP 2002/0079695). Campbell ‘695 discloses a treatment assembly 2 mounted to a support structure which includes a module receptor 5 and a manifold block 3 which ultimately supports the treatment assembly 2. A spring loaded latch 34 (see fig. 3a-3b) holds the connectors 21 of the treatment assembly into

complimentary engagement with the connectors 25 of the manifold block. Upon removal of the latch 34 the treatment assembly is pivoted/tilted away from the manifold block 3 about the hinge 33 thereby disengaging the treatment assembly from the manifold block. The module receptor 5 as a part of the support structure has the face to face support arms recited in the dependent claims. The treatment assembly includes a convex projection at 24 which is engaged with the module receptor 5.

4. Claims 1-2, 12-15, 17 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 03/031020- cited by applicant. WO '020 discloses a treatment assembly 11 mounted to a support structure 12, 14, having cooperating functional surfaces with lid 30 and base 54. The disengagement of the treatment assembly with the support is performed by pivoting/tilting the treatment assembly 11 relative to support the support structure as illustrated in fig. 1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

5. Claims 1-2, 12-15, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 03/031020. WO '020 discloses a treatment assembly 11 mounted to a support structure 12, 14, having cooperating functional surfaces with lid 30 and base 54. The disengagement of the treatment assembly with the support is performed by pivoting/tilting the treatment assembly 11 relative to support the support structure as illustrated in fig. 1.

6. Claims 1-4, 6-9, 11-17, and 19-21 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 03/022388- cited by applicant. WO '388 discloses a treatment cartridge 10 mounted to a support structure 36 via surface flange 22 and shelves 50 and

52 which form face to face support arms as recited in some of the dependent claims. The treatment assembly 10 is pivoted or tilted to disengage it from the support structure as indicated in fig. 4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

7. Claims 1-4, 6-9, 11-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 03/022388. WO '388 discloses a treatment cartridge 10 mounted to a support structure 36 via surface flange 22 and shelves 50 and 52 which form face to face support arms as recited in some of the dependent claims. The treatment assembly 10 is pivoted or tilted to disengage it from the support structure as indicated in fig. 4.

8. Claims 1-2, 8, 12-15, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stankowski (USPGP 2001/0045386). Stankowski '386 discloses a fig. 8-8f embodiment and separately a fig. 10-10e embodiment in which the treatment assembly 12 is pivotally mounted with respect to the support structure 114,116.

9. Claims 1-2, 8, 12, 14-15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogden (US 3727764). Ogden '764 discloses a fig. 3 embodiment in which a treatment assembly 25 which is tiltably mounted with respect to support structure 11. As the assembly is tilted the connectors of the assembly are uncoupled.

Allowable Subject Matter

10. Claims 5, 10 and 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas M. Lithgow/

Primary Examiner, Art Unit 1797

Thomas M. Lithgow
Primary Examiner
Art Unit 1797

TML